

Bingham McCutchen LLP
 GREGORY LIPPETZ (SBN 154228)
 Three Embarcadero Center
 San Francisco, CA 94111-4067
 Telephone: (415) 393-2000
 Facsimile: (415) 393-2286
 gregory.lippetz@bingham.com

Bingham McCutchen LLP
 RICHARD S. TAFFET Pro Hac Vice
 (NY SBN 1721182)
 399 Park Avenue
 New York, NY 10022-4689
 Telephone: (212) 705-7000
 Facsimile: (212) 752-5378
 richard.taffet@bingham.com

Attorneys for Plaintiff/Counter-Defendant
 SANDISK CORPORATION

Kirkland & Ellis LLP
 JENNY N. LEE (SBN 247684)
 555 California Street
 San Francisco, CA 94104-1501
 Telephone: (415) 439-1400
 Facsimile: (415) 439-1500
 jlee@kirkland.com

Attorneys for Defendants/Counter-Plaintiffs
 Lucent Technologies Inc. and
 Alcatel-Lucent, S.A.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

SANDISK CORPORATION,

Plaintiff,

vs.

LUCENT TECHNOLOGIES INC. and
 ALCATEL-LUCENT, S.A.,

Defendants.

No. C 07-03618 JF

STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE HEARING

Date: December 21, 2007
 Time: 9:00 a.m.
 Location: Courtroom 3

AND RELATED COUNTERCLAIM

A/72353733.1/3002631-0000326417

1 Pursuant Civil L.R. 6-1(a) and Civil L.R. 7-7(b)(1), the parties stipulate to the
2 following:

3 WHEREAS, on July 17, 2007, this action for declaratory judgment of patent non-
4 infringement and invalidity was commenced in United States District Court, Northern District
5 of California, San Jose Division;

6 WHEREAS, on October 12, 2007, defendants Lucent Technologies, Inc. and
7 Alcatel Lucent, S.A. (collectively "Lucent") filed a Motion to Dismiss Without Prejudice or
8 Stay Pending Resolution of Appeal in Related Case ("Lucent's Motion");

9 WHEREAS, on October 26, 2007, plaintiff SanDisk Corporation ("SanDisk")
10 filed a Motion for Summary Judgment and a Motion to Dismiss Lucent's Counterclaim;

11 WHEREAS, on November 30, 2007, the Court heard argument on SanDisk's
12 Motions, and took the motions under submission. The Court also set a Case Management
13 Conference for January 25, 2008;

14 WHEREAS, the hearing on Lucent's Motion is calendared for December 21,
15 2007;

16 WHEREAS, for efficiency, SanDisk requested, and Lucent agreed, to continue
17 the hearing on Lucent's Motion until January 25, 2008, the date of the Court ordered CMC;

18 WHEREAS, the parties have not previously stipulated to continue the hearing.

19 NOW THEREFORE, it is STIPULATED, AGREED AND ORDERED as
20 follows:

21 The hearing on defendant Lucent's Motion to Dismiss Without Prejudice or Stay
22 Pending Resolution of Appeal in Related Case will be continued to January 25, 2008 at a time
23 to be determined by the Court.

24 ///

25 ///

26 ///

27 ///

28 ///

A/72353733.1/3002631-0000326417

1 DATED: December 17, 2007

2
3 Bingham McCutchen LLP

4
5 By: /s/ Gregory L. Lippetz
6 Gregory L. Lippetz
7 Attorneys for Plaintiff/Counter-Defendant
SanDisk Corporation

8 DATED: December 17, 2007

9
10 Kirkland & Ellis LLP

11
12 By: /s/ Jenny N. Lee
13 Jenny N. Lee
14 Attorneys for Defendants/Counter-Plaintiffs
15 Lucent Technologies Inc. and
Alcatel-Lucent, S.A.

16
17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 DATED: _____

19 By: _____
20 THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE